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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,843	04/21/2004	James A. Perkins	56527.CI/C-3670.0	5307
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LUEDEKA, NEELY & GRAHAM, P.C. P O BOX 1871 KNOXVILLE, TN 37901			EXAMINER	
			POPOVICS, ROBERT J	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Attachment to Advisory

The new matter and drawing objections are **WITHDRAWN**.

### ***Response to Arguments***

Applicants' arguments filed **December 23, 2008** have been fully considered but they are not persuasive.

In response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The systems of the references as combined and set forth in the Final Office Action will inherently meet the "**two-phase**" flow limitations. Those skilled in the art know this, since they are well-versed in subterranean groundwater/vapor removal technologies. Indeed, Applicants employ prior art technology to remove the "**two-phase**" flow from the ground. See Applicants' Figure 4 which is labeled "**prior art**."

The **Cheng** reference clearly teaches the use a venturi to strip a gas from a liquid. This is well known in the art. The hypothetical person having ordinary skill in the art is charged with all that is known in the art. Accordingly, the hypothetical person having ordinary skill in the art would have known of such venturi type stripping devices. The substitution of one known stripping device for another is seen to be exceedingly obvious, in the same way that an auto mechanic would know that a car could be jacked up with a floor jack, a scissor jack, a hydraulic bottle jack, or a bumper jack.

It is noted that Applicants have not challenged any of the Examiner's **Official Notice** statements. Accordingly, they are seen to constitute admitted prior art.

Any inquiry concerning this communication should be directed to /Robert James Popovics/ at telephone number (571) 272-1164.

**/Robert James Popovics/  
Primary Examiner  
Art Unit 1797**

**Enclosed PTO-892**